

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILLIP CAPE,

Defendant.

Case No. 21-20548
Hon. Judith E. Levy
Mag. Judge Elizabeth A. Stafford

NOTICE TO APPEAR/SCHEDULING ORDER

- MOTIONS DUE BY: Within twenty (20) days of the date of arraignment.

The defendant is hereby notified to appear before the Judith E. Levy, United States District Judge, at 200 East Liberty Street, Ann Arbor, MI 48104 for the following proceedings:

- PLEA HEARING/CUT-OFF: October 12, 2021 at 10:30 a.m.
- FINAL PRETRIAL CONFERENCE: October 12, 2021 at 10:30 a.m.
- JURY TRIAL: October 25, 2021 at 8:30 a.m.

Pursuant to the Due Process Protections Act, the court reminds the government of its obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), to disclose evidence favorable to the defendant and material to the defendant's guilt or punishment. Failure to comply with *Brady* and to do so in a timely manner may result in consequences, including dismissal of the indictment or information, exclusion of government evidence or witnesses, adverse jury instructions, dismissal of charges, contempt proceedings, sanctions by the Court, or any other remedy that is just under the circumstances.

SO ORDERED.

Date: September 2, 2021
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 2, 2021.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager